

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

ROSY GIRON DE REYES,	:	
	:	
et al.,	:	
	:	
Plaintiffs,	:	Civil Action
	:	No. 1:16-cv-00563-PTG-WBP
v.	:	
	:	
WAPLES MOBILE HOME PARK	:	November 21, 2024
LIMITED PARTNERSHIP,	:	10:40 a.m.
	:	
et al.,	:	
	:	
Defendants.	:	
	:	
.....	:	

TRANSCRIPT OF MOTION HEARING PROCEEDINGS  
BEFORE THE HONORABLE PATRICIA TOLLIVER GILES,  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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MORNING SESSION, NOVEMBER 21, 2024

(10:40 a.m.)

THE COURTROOM CLERK: The Court calls *Giron Reyes, et al. versus Waples Mobile Park Limited, Partnership, et al.*, Case Number 1:16-cv-563.

May I have appearances, please, first for the plaintiff?

MR. DiCARLO: Good morning, Your Honor. Nick DiCarlo from Zuckerman Spader on behalf of the plaintiff families. I'm here at counsel table. With me are colleagues from the Legal Aid Justice Center, Nady Peralta and Larisa Zehr.

THE COURT: Good morning to all of you.

MR. DINGMAN: Good morning, Your Honor. Michael Dingman, McGuire Woods, for the defendants, and with me today is Brooks Spears.

THE COURT: Good morning to both of you.

MR. DINGMAN: Thank you.

THE COURT: So we're on today for our status. It's been a while. I hope you all are doing well. So I think we're going to -- one, we're going to set a date, a trial date; we're going to set a date for the motions in limine, and we'll also discuss your differing positions on the Rule 26(a)(3) disclosures, okay?

Have you all discussed potential trial dates? First of all, did we decide how long -- I can't remember now. How long is this case anticipated? How long do you think it will take?

MR. DINGMAN: My understanding, Your Honor, is we had

1 given an estimate of five days, and Mr. DiCarlo can correct me if  
2 I'm misstating that.

3 I will say one thing that I wanted to bring to the Court's  
4 attention. When I went back, and I looked at all the disclosures  
5 and so forth that the plaintiffs say they intend to call, all  
6 eight of the plaintiffs, my understanding is that they will all  
7 need translators, plus at least two experts and maybe another  
8 fact witness. We have five live witnesses. We have an issue  
9 with one witness which I'll raise with the Court later on.  
10 That's a lot of witnesses, and there's over, at the moment 300 --  
11 right around 350 exhibits.

12 So, I'm not a hundred percent confident that five days is  
13 enough. I certainly don't want to push it beyond what's needed,  
14 but I just wanted to --

15 THE COURT: I'd rather reserve more on my docket and then  
16 hold you all and bring it down but have the days reserved. So  
17 we'll set aside seven, okay, with the goal for it to be five.  
18 Did you discuss potential dates? Your filing indicated in the  
19 first quarter, and that's pretty broad. Have you thought about  
20 it?

21 MR. DINGMAN: Well, obviously, we have not discussed  
22 specific dates, but I think we're in agreement, Your Honor, that  
23 there should be -- I think we said in our joint submission 60  
24 days between the resolution of the motions and trial, so I would  
25 propose, of course, according to Your Honor's schedule, perhaps

1 the week of March 17th, and we can work back from that to set  
2 hearing dates on the motions in limine. And to the extent that  
3 the Court agrees with the defendants' position on brief  
4 submissions, the Rule 26 disclosures, a date for that as well.

5 MR. DiCARLO: And for plaintiff --

6 THE COURT: I have a trial on March 18th, and it's a  
7 criminal one, and it's -- I have two weeks reserved for that.  
8 April 1st.

9 MR. DiCARLO: Your Honor, we have a witness who may not be  
10 able to attend on that date. But otherwise --

11 MR. DINGMAN: April 1 is good for defendants, Your Honor.

12 THE COURT: But, I mean, the witness just can't appear on  
13 April 1, but are they available the rest of the month or the rest  
14 of the April dates?

15 MR. DiCARLO: They have -- they have other availability  
16 later in April.

17 THE COURT: I'm just saying, like, we couldn't call them  
18 out of order? I mean, because the first day is picking a jury.

19 MR. DiCARLO: Correct.

20 THE COURT: You know, a big part of that is picking a jury  
21 and opening statements, and so we may not even be getting to  
22 testimony until late afternoon or day number two. So, are they  
23 unavailable that entire week?

24 MR. DiCARLO: Would the Court be amenable to remote  
25 testimony in that instance? It's a nonparty witness.

1 THE COURT: Is it an expert? Is it -- because I am  
2 hesitant with that with a jury. It's one thing if it's a bench  
3 trial, but when it's a jury, I'm hesitant to do a remote witness.  
4 Are they available -- I could start it March 4th.

5 MR. DiCARLO: March 4th is worse for plaintiffs, Your  
6 Honor.

7 We can make it work.

8 THE COURT: Okay. So we'll make it April 1.

9 MR. DiCARLO: Your Honor, I'm sorry. What's the next  
10 availability after April 1?

11 THE COURT: April 2. Well, I just set that other trial in  
12 April, and so I really am limited, okay?

13 MR. DiCARLO: Your Honor, I did notice that January 22nd  
14 opened up from the first --

15 THE COURT: I know, but if you all want the 60 days  
16 between the motions in limine -- I'm fine with January 22nd.  
17 You're not going to have 60 days; you're going to have -- you can  
18 put it on the motions docket, but, I mean, I have other matters,  
19 too, and so you will not have 60 days. But if that is what you  
20 want, January 22nd works for the Court.

21 MR. DINGMAN: Your Honor, my concern with that is, I think  
22 the motions in limine and our suggestion that the Rule 26  
23 disclosures, which are now four years old, be withdrawn and  
24 resubmitted, is going to be important in setting up what actually  
25 is presented at trial, and I think that we do need, as we said in

1 the joint submission, some period of time for the Court to  
2 consider the motions, and there are several; for the parties to  
3 digest them, because I think that will impact --

4 THE COURT: Did you all -- did you all confirm those  
5 motions in limine? Do you remember how early on I asked -- and I  
6 know you refiled them.

7 MR. DINGMAN: Yes.

8 THE COURT: Did you refile the same ones, or did you  
9 refile different ones?

10 MR. DINGMAN: We filed, essentially, the same ones. I  
11 believe we withdrew -- if I can stand over here -- one of our  
12 motions in limine. We've had discussions about some of the other  
13 pending motions, but we have not reached any sort of resolution  
14 on those.

15 MR. DiCARLO: And, Your Honor, from plaintiffs'  
16 perspective, we did substantially change the motions in limine  
17 based on our discussions with defendants' counsel, and --

18 THE COURT: I see you filed one that is 22 pages, and I  
19 know that -- I think they have, like, six that are 85. I think  
20 you can do some changing.

21 MR. DiCARLO: Your Honor, we filed all of ours in one  
22 submission.

23 THE COURT: That's what I said. You did one filing that  
24 is 22 pages. I have it. I'm saying that the defense had filed,  
25 I believe, six, and they totaled 85 pages. I think those can be



1 looked at.

2 MR. DINGMAN: We are certainly willing, Your Honor, to  
3 talk to plaintiffs about those to see if there is anything that  
4 can be resolved, but we have had a number of discussions about  
5 these issues and motions over an extended period of time, and we  
6 have not been able to come to any sort of agreement on them, but  
7 we can certainly take another attempt at that.

8 MR. DiCARLO: And, Your Honor, from the plaintiffs'  
9 perspective, our hard goal today is to calendar -- or to  
10 recalendar this motions hearing and to get a trial date on the  
11 calendar. We --

12 THE COURT: I said that at the outset, that that was my  
13 goal, too.

14 MR. DiCARLO: Thank you, Your Honor.

15 THE COURT: Back to these motions in limine. Like I said,  
16 you filed six. I want you to take a look at those. I don't  
17 think they're all necessary based on a cursory review of them  
18 because, at the very first status conference, I asked that you  
19 all look at those motions in limine, meet and confer on them,  
20 attempt to resolve what you could, and then refile.

21 And when I look here and I see six motions in limine, I  
22 don't know if that's been done, okay, six from you alone, okay?  
23 I want you to look at them.

24 MR. DINGMAN: We'll certainly take a look at those. One  
25 thing I would say, Your Honor, plaintiffs didn't change their

1 motions in any significant way, and a lot of the issues that are  
2 in their motion in limine are in our motion in limine, and so  
3 they're addressing similar, if not the same, issues, and so --  
4 but we'll certainly look at those and see if we can cull those  
5 down.

6 THE COURT: Okay. Thank you. So our trial date is  
7 April -- what are your positions on January 22nd?

8 MR. DINGMAN: I think it's not enough time, Your Honor,  
9 for what we have to do in this case. And one of the things,  
10 under Rule 26 disclosures, I think if the parties can have the  
11 benefit of decisions on the motions in limine, and then look at  
12 the disclosures -- and I'll just give the Court an example.  
13 There are 350 combined exhibits, and the parties have objected to  
14 80 percent of them collectively.

15 We also have designated deposition testimony from all  
16 eight plaintiffs that have been objected to on the grounds of  
17 relevance and prejudice, and decisions on the motion in limine,  
18 and if the Court says this issue is relevant, it's coming in;  
19 these topics are not, will provide a lot of guidance, I think, to  
20 the parties on what exhibits are pertinent and probably resolve a  
21 fair number of the objections to the deposition excerpts. And  
22 given the holidays and so forth --

23 THE COURT: I've heard enough. Thank you. I've heard  
24 enough.

25 MR. DINGMAN: Okay.

1 THE COURT: I'm going to set motions for January 22nd,  
2 okay? I'm going to keep the trial date as is.

3 MR. DiCARLO: Your Honor, would you entertain a motion as  
4 to remote testimony if we submitted one before the motions date?

5 THE COURT: But I just said my view on remote testimony  
6 was, right?

7 MR. DiCARLO: Okay.

8 THE COURT: I'll hear that motion.

9 MR. DiCARLO: Thank you.

10 THE COURT: I'll hear that motion, okay? I'll consider  
11 that. After I rule on the motion in limine, my plan will be to  
12 rule the day of, okay? I don't plan on writing. And then, at  
13 that time, I will set a date for revised Rule 26(a)(3)  
14 disclosures. It always works to the parties' interests to be as  
15 reasonable with each other as possible and to resolve what you  
16 can before bringing it to the Court. Is there anything further?

17 MR. DINGMAN: There's just one other issue, Your Honor,  
18 that I wanted to raise, and it deals with one of our expert  
19 witnesses, George Caruso. I was contacted by Mr. Caruso's son a  
20 few weeks ago, who told me he's been diagnosed with dementia --

21 THE COURT: Oh, no.

22 MR. DINGMAN: -- and is not going to be able to testify.  
23 I shared that information with plaintiffs' counsel, and we have  
24 suggested that Mr. Caruso is now an unavailable witness, and we  
25 should be able to use his deposition and expert report. We have

1 not come to an agreement on that yet. We're still in  
2 discussions. But I just wanted to raise that in the event that  
3 we're not able to resolve that. We may have to involve the  
4 Court.

5 THE COURT: Well, why don't you all reach some agreement  
6 with respect to this witness that they're saying is unavailable  
7 in April and your expert witness? Why don't you all come up with  
8 a mutually agreeable plan, and that is some --

9 MR. DINGMAN: -- we actually have talked about certain  
10 witnesses testifying virtually, so we've had some of that  
11 conversation already, Your Honor, and we're happy to continue  
12 that.

13 MR. DiCARLO: We proposed exactly what you proposed, Your  
14 Honor.

15 THE COURT: Okay. Well, see what you can work out. Thank  
16 you. Anything further?

17 MR. DINGMAN: No, Your Honor.

18 THE COURT: Okay let's call our next case.

19 I don't think I told everybody this morning, but have  
20 a nice Thanksgiving.

21 (Proceedings adjourned at 10:56 a.m.)  
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23  
24  
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C E R T I F I C A T E

I, Scott L. Wallace, RDR-CRR, certify that  
the foregoing is a correct transcript from the record of  
proceedings in the above-entitled matter.

/s/ Scott L. Wallace

12/18/24

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**Scott L. Wallace, RDR, CRR**  
**Official Court Reporter**

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**Date**

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